

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**ALFRED A. JOHNSON,**

**Plaintiff,**

**v.**

**Case No. 2:22-cv-4179**

**Judge Edmund A. Sargus, Jr.**

**Magistrate Judge Peter B. Silvain, Jr.**

**DIR. ANNETTE CHAMBERS-SMITH,  
*et al.*,**

**Defendants.**

**ORDER**

This matter is before the Court upon Plaintiff's Motion for Payment Plan (Mot., ECF No. 30). This Court previously granted Plaintiff's Motion for Leave to Proceed *in forma pauperis* and directed the custodian of Plaintiff's inmate trust account to forward to the Clerk of Court monthly payments of twenty percent of Plaintiff's preceding monthly income, but only when the amount in his account exceeds ten dollars. (*See* ECF No. 13, PageID 108.)

Plaintiff now moves this Court (1) to require him to pay only \$1.50 per month in court fees and (2) to allow him to pay only one monthly fee to cover his fees for both this case and a second case before this Court, *Johnson v. Chambers-Smith*, No. 1:23-cv-432 (S.D. Ohio) (Barrett, J.). (Mot., PageID 252.) On November 6, 2024, the Magistrate Judge issued a Report and Recommendation recommending that the Court deny Plaintiff's Motion. (R&R, ECF No. 32.) Plaintiff was advised of his right to object to the R&R and of the consequences of failing to do so (*id.*, PageID 262), but he did not file a timely objection.

Once a magistrate judge issues a report and recommendation, the relevant statute provides:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by

rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C). The failure to file written objections to a magistrate judge's report and recommendation waives a de novo determination by the district court of any issues addressed in the report and recommendation. *Thomas v. Arn*, 728 F.2d 813, 815 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see also United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).

Because Plaintiff did not file a timely objection, he waived a de novo review of the R&R. The Court finds that the Magistrate Judge's R&R recommending denial of the Motion is well-reasoned. This Court agrees that under the Prison Litigation Reform Act, courts do not have the discretion to allow prisoners to deviate from the payment schedule explicitly set out by statute. *See* 28 U.S.C. § 1915(b)(2) ("After payment of the initial partial filing fee, the prisoner *shall be required* to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account." (emphasis added)); (*see* R&R, PageID 260–61.) Further, this Court agrees that under U.S. Supreme Court precedent, the monthly payments must be assessed on a per-case basis. *See Bruce v. Samuels*, 577 U.S. 82, 85 (2016). Therefore, this Court cannot authorize a single monthly payment for more than one case in which Plaintiff is proceeding *in forma pauperis*.

Accordingly, this Court **ADOPTS** the Magistrate Judge's Report and Recommendation (ECF No. 32). Plaintiff's Motion for Payment Plan (ECF No. 30) is **DENIED**.

**IT IS SO ORDERED.**

**12/6/2024**  
**DATE**

**s/Edmund A. Sargus, Jr.**  
**EDMUND A. SARGUS, JR.**  
**UNITED STATES DISTRICT JUDGE**